



Pacific Crest Trail

OHV Trespass Investigation and Hiker Survey Report

Summary

Date: October 18, 2016

The Kern County Sheriff's Office Off-Highway Vehicle (OHV) Team has concluded a two-year investigation into allegations of off-highway vehicle trespass on the Pacific Crest Trail (PCT) in Kern County. The investigation found that allegations of motorized trespass have been significantly exaggerated. Additionally, it has been determined through our investigation that persons associated with the community group alleging the trespass (The Group) have made inaccurate reports of trespass on multiple occasions.

Background: Pacific Crest Trail Trespass Allegations

For a number of years, the Kern County Sheriff's Office has been, by mutual agreement with the United States Forest Service (USFS), the Bureau of Land Management (BLM), and the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the California Department of Parks and Recreation, the designated law enforcement agency for receiving reports and investigating complaints of off-highway vehicles trespass on the Pacific Crest Trail in Kern County.

In 2014, due to ongoing complaints by members of The Group of widespread motorized trespass on the Pacific Crest Trail, the Kern County Sheriff's Office OHV Team began conducting directed patrols. These patrols occurred on the Pacific Crest Trail and motorized trails in the adjoining regions. At that time, the Kern County Sheriff's Office OHV Team was tasked with investigating the complaints and conducting enforcement activity.

The area receiving the majority of complaints was east of Oak Creek Canyon in Tehachapi, between approximately mile 531 and mile 534 of the Pacific Crest Trail, as measured from the United States border with Mexico. Although the majority of the complaints centered around the Oak Creek Canyon area, it was further alleged motorized vehicle trespass was occurring throughout Kern County. Prominent members of The Group alleged off-highway vehicle trespass on the Pacific Crest Trail was like a "freeway," and was causing widespread "destruction" of the trail. In an April of 2014 letter to the Kern County Parks Department, The Group stated, "During the last 16 months, the Pacific Crest Trail and BLM parcels in Kern County have suffered more damage from illegal OHV use than we have witnessed in the past 6 years."

The Kern County Sheriff's Office OHV Team began extensively patrolling the Pacific Crest Trail in the spring of 2014 to investigate the allegations. During those patrols, no off-highway vehicles were seen on the Pacific Crest Trail; however, some evidence was located on a section of the trail approximately one

mile in length, indicating motorcycles had previously been on the Pacific Crest Trail. The tracks appeared to originate from several motorized trails that intersect with the Pacific Crest Trail and where no trail markers exist. In most cases, the tracks could be seen abruptly leaving the trail after passing markers identifying it as the Pacific Crest Trail, suggesting the operators of the motorcycles were unaware they were on the Pacific Crest Trail when they entered it. Additionally, no evidence of destruction of the trail was found.

On each of the deployments during that period, deputies personally spoke with Pacific Crest Trail hikers. None of the hikers encountered told deputies they had seen any motorcycles or all-terrain vehicles (ATVs) on the Pacific Crest Trail while they were in Kern County.

In the fall of 2014, the Sheriff's Office OHV Team began hosting meetings with law enforcement representatives from the USFS, BLM, and the OHMVR Division of the California Department of Parks and Recreation. The purpose of the meetings was to discuss the history of motorized trespass on the Pacific Crest Trail, determine the extent of the problem, and share ideas about how to address it. Each of the representatives from the allied agencies expressed that they had devoted a considerable amount of time and resources into independently investigating The Group's allegations. The representatives of each agency made it clear that, based on their independent investigations, they also found the allegations of motorized trespass to be exaggerated.

In the interest of thoroughness, the Kern County Sheriff's Office OHV Team began conducting joint patrols with the previously mentioned agencies on the Pacific Crest Trail from late October of 2014 through January of 2015. This is the typical riding season for off-highway vehicles in the southern California region. The Kern County Sheriff's Office used combined patrols with on-the-ground units and the Kern County Sheriff's Office Air Support Unit for these operations. Additionally, concealed trail cameras and GPS trackable bait items were used to monitor the Pacific Crest Trail in the area where trespass was reported most frequently. During this period, the trail cameras recorded two incidents of illegal motor vehicle operation on the Pacific Crest Trail. Unfortunately, the images captured did not allow for the identification of the motorcycles or the operators involved.

These patrols covered the majority of the Pacific Crest Trail as it passes through Kern County. The only area with any evidence that any motorcycles had been on the Pacific Crest Trail, other than the limited area east of Oak Creek Canyon, was the desert section east of Kelso Valley Road. Deputies found motorcycle tracks on short segments of the trail; however, no motorcycles were seen on the Pacific Crest Trail in this area during these patrols and no damage to the trail was identified. Based on the evidence observed, the motorized trespass in this segment appears to be even less frequent than what occurs in the area east of Oak Creek Canyon.

During the thirteen Kern County Sheriff's Office OHV Team deployments on the Pacific Crest Trail for the 2014/2015 fall and winter seasons, deputies found motorcycles on the trail on one occasion, in the area east of Oak Creek Canyon. The operators of the two motorcycles were detained and the incident was immediately investigated. The subsequent investigation conclusively determined the trespass to be

unintentional, due to inadequate trail signage in the area where they entered the trail. The investigative report was sent to the USFS and BLM for their review.

Background: Inaccurate Reporting of Trespass

In June of 2014, a site visit to the Pacific Crest Trail, above Oak Creek Canyon in Tehachapi, was planned so the stakeholders could view evidence of the damage caused to the Pacific Crest Trail by motorcycle and ATV trespass. The stakeholders included several members of The Group, one member of a local landowner's coalition, commissioners and law enforcement representatives from the OHMVR Division of the California Department of Parks and Recreation, and the Kern County Sheriff's Office.

Several times during the site visit, members of The Group pointed out motorcycle and ATV trails on unposted private property. Often these were the same properties and trails the stakeholders were driving across in automobiles. The members of The Group insisted the trails were illegal and anyone operating a motorcycle or ATV on those trails would be guilty of criminal trespass. It was clearly explained to members of The Group on several occasions that California statutes allow for motorized travel across private property, without written permission from the property owner, as long as the property is unposted.

During the site visit, a prominent member of The Group was in possession of a handheld GPS device and expressed aptitude in its use. The member even discussed software purchased for the unit, which allows for distinction between public and private land, including parcel owner information. This member of The Group also expressed intimate knowledge of the location and route of the Pacific Crest Trail through the area, claiming to have hiked the section east of Oak Creek Canyon, from the desert floor in Rosamond to Tehachapi Willow Springs Road, many times. Since the time of the site visit in 2014, the Kern County Sheriff's Office has become aware of two incidents where this prominent member of The Group, provided inaccurate information to law enforcement relating to reports of motorcycles illegally trespassing on the Pacific Crest Trail.

The first report was made to the OHMVR Division of the California Department of Parks and Recreation in August of 2011. In that case, the reporting party provided photos of four riders on motorcycles who were allegedly on the Pacific Crest Trail when the photo was taken. After a thorough investigation, the actual site the photo was taken was located. Law enforcement personnel determined the trail the riders were on was not the Pacific Crest Trail, but instead a trail on unposted private property where the riders were legally allowed to be.

The second incident occurred in January of 2015 and involved a report to the Kern County Sheriff's Office. In this incident, the prominent member of The Group provided photos of two men on motorcycles, who the reporting party said were trespassing on the Pacific Crest Trail. Investigators made several requests for the reporting party to provide GPS data identifying the location of the riders in the photos; however, the information was not provided. The investigation continued and the riders were identified. A date/time stamped GPS track was provided to law enforcement by one of the riders, which showed the route they traveled on the date the prominent member of The Group alleged the trespass occurred. The GPS data conclusively showed the riders were not on the Pacific Crest Trail, as had been

alleged. Additionally, one of the riders stated the reporting party flagged them down. When the rider told the reporting party they were not on the Pacific Crest Trail, the reporting party did not deny it. The reporting party instead told them they were in a “sensitive area,” and said they were “dancing around” the Pacific Crest Trail, clearly indicating the reporting party was aware they were in fact not on the Pacific Crest Trail.

Current Investigation

The Kern County Sheriff’s Office hosted several meetings with law enforcement representatives from the USFS, BLM, and the OHMVR division of the California Department of Parks and Recreation during the summer and fall of 2015. The purpose of the meetings was, in part, to discuss discrepancies between the observations of deputies and law enforcement officers from the aforementioned agencies and ongoing reports of motorized trespass on the Pacific Crest Trail by members of The Group and their associates. It was collectively decided amongst law enforcement that a survey of Pacific Crest Trail hikers during the spring of 2016 would be the best way to assess the frequency of illegal motorized trespass, and the impact of legal Off-highway vehicle use on the Pacific Crest Trail hiking experience. The intention of the survey was to obtain unbiased, reliable information.

The greatest number of Pacific Crest Trail hikers typically travel through Kern County during the last week of April through the middle of June. The USFS’s most recent published numbers show 2,655 permits were issued in 2014 for Pacific Crest Trail hikers. That number broke down to 1,468 thru-hikers and 1,187 section-hikers. Based on prior interviews with hikers (and substantiated by information provided on completed survey cards), we found the vast majority of people hiking through Kern County fall into the category of thru-hikers who are traveling northbound. Therefore, the respondents to the survey likely have no ties to Kern County and are equally unlikely to be a member or associate of any local special interest group.

The Kern County Sheriff’s Office OHV Team took the lead on the project and on April 25, 2016, began a survey of Pacific Crest Trail users, the hikers. A location was identified along the Pacific Crest Trail to set up two survey boxes, which would be away from the roadway, near the northern end of the Piute Mountains in the Sequoia National Forest. The remote location and unmanned survey method provided unfettered access to Pacific Crest Trail hikers throughout the week, day and night, while ensuring the survey would not be adulterated by outside influences. Additionally, the location of the survey boxes ensured the hikers had already traveled through the area of Kern County receiving the bulk of the complaints. Ultimately, we received 490 responses to the survey, ensuring a large enough sampling (approximately 33%) of thru-hikers to provide adequate data to reach an irrefutable conclusion.

In addition to surveying Pacific Crest Trail hikers, the Kern County Sheriff’s Office contacted property owners and residents who live in Oak Creek Canyon. Each of the four subjects interviewed said motorized trespass on the Pacific Crest Trail near Oak Creek Canyon has diminished substantially over the last eight years. The highest estimate provided by the subjects interviewed for the number of motorcycles seen on the Pacific Crest Trail nowadays is no more than 12 motorcycles per month. That

estimate was only for the peak motorcycle-riding period of October through December, with the remainder of the year having even less traffic.

A 2014 USFS Pacific Crest Trail Briefing Paper to the OHMVR Division of the California Department of Parks and Recreation stated:

Reports of Motorized Trespass - Kern County Sheriff's office has agreed to be the primary contact for reporting law enforcement incidents on the PCT. ***Instructions are as follow:*** "Citizens are reminded that their first priority is to ensure their personal safety. When situations appear confrontational, do not approach. Please retreat and report the incident. Report all incidents or suspicious activities that occur on the Pacific Crest Trail to the Kern County Sheriff's Office 800-861-3110 or 661-861-3110. Email copies of this report and any photos to the [Sheriff's Office OHV Team sergeant]. [The Sheriff's Office OHV Team sergeant] will distribute to the appropriate law enforcement agency."

An audit of Kern County Sheriff's Office calls for service revealed that during the twelve month period beginning July 15, 2015, and ending July 15, 2016, no calls for service were received regarding motorized vehicles trespassing on the Pacific Crest Trail. Several reports of motorized trespass on the Pacific Crest Trail were made through informal means, such as email; however, these reports are difficult to track because The Group sent the complaints to an ever-changing group of recipients.



----- Kern County Line

----- PCT

★ Oak Creek Canyon

★ Survey Boxes

Survey Method

Two survey boxes were placed on a post along the Pacific Crest Trail. One survey box contained blank survey cards, each with questions eliciting either yes/no or scaled responses from 1-10. A laminated sheet with a satellite image identifying the Pacific Crest Trail and a boundary line indicating the relative location of Kern County was also attached to one of the boxes. The second box was secured in the closed position by a keyed lock, with an open slot in the top of the box and a label directing respondents to place completed survey cards inside. This ensured the surveys would remain uncorrupted by responses from other hikers.

Initially, 100 survey cards were printed. The survey asked for the respondents to provide their true name, trail name, place of residence (city, state, and country), the date, and the location. The survey consisted of six questions, and was structured to elicit yes/no responses, or responses indicating 1-10, with a key indicating “1 – poor, 10 – excellent.” A section was also available on the cards for “Additional Comments.”

The format was changed slightly for the next 400 survey cards printed in order to ensure clarity for the respondents; however, the structure and order of the questions remained intact. The additional question on the updated survey cards informed the respondents that several roads/trails the Pacific Crest Trail uses are multi-use. It asked if those were the locations where the respondents were if/when they saw ATVs or motorcycles on the Pacific Crest Trail.





Kern County **SHERIFF** *Off-Road Vehicle Enforcement Team*

Please take a moment to complete the questionnaire cards regarding your experience hiking the PCT in Kern County. Also, please include your true name and trail name (if you have one); your city, state, and country of residence; as well as the date you completed the card; the location is Piute Mountain Rd/PCT (Section F). You can leave the Deputy/Ranger name and ID # blank. If you have any additional comments you may write those on the back of the questionnaire card. Place the completed questionnaire card in the slot on the box below.

The Kern County Sheriff's Office would like to ensure quality recreation experiences are available for a wide variety of enthusiasts. Your help allows us to dedicate our resources accordingly.

Thank you for your time and have a safe trip.



----- Kern County Line

----- PCT

Survey Instructions (Located on survey box pictured on previous page)



Survey Box Location



PCT Questionnaire

1. Please rate your PCT hiking experience while in Kern County on a scale from 1 to 10.
(1 – poor, 10 – excellent) _____
2. Did you have any direct contact with persons riding ATVs or motorcycles while you
were hiking in Kern County? **Yes / No**
 - a. Please rate that experience from 1 to 10.
(1 – poor, 10 – excellent) _____
3. Did you have any indirect contact with persons operating ATVs or motorcycles (i.e.
see or hear) while you were in Kern County? **Yes / No**
 - a. Did that experience detract from your enjoyment of the PCT?
Yes / No
4. Did you witness anyone illegally operating motor vehicles on the PCT while you were
in Kern County? (It should be noted several roads are dual use sections of the PCT.)
Yes / No
5. Additional Comments:

Name: _____

Trail Name: _____

Place of Residence (City, State, Country): _____

Date: _____ Location: _____

Deputy/Ranger Name: _____ ID #: _____

Original Survey Card (Front)
(Back of card is Blank)



Off-Road Vehicle Enforcement Team

PCT Questionnaire

1. Please rate your PCT hiking experience while in Kern County on a scale from 1 to 10.
(1 – poor, 10 – excellent) _____
2. Did you have any direct contact with persons operating ATVs or motorcycles near the PCT while you were hiking in Kern County? **Yes / No**
 - a. Please rate that experience from 1 to 10.
(1 – poor, 10 – excellent) _____
3. Did you have any indirect contact with persons operating ATVs or motorcycles (i.e. see or hear) near the PCT while you were in Kern County? **Yes / No**
4. Did either of those experiences detract from your enjoyment of the PCT?
Yes / No
5. Did you encounter anyone operating a motorcycle or ATV on the PCT in Kern County? **Yes / No**
6. Several roads are dual use sections of the PCT in Kern County. Was that where you encountered the vehicles asked about in question 5? **Yes / No**

Name: _____

Trail Name: _____

Place of Residence (City, State, Country): _____

Date: _____ Location: _____

Deputy/Ranger Name: _____ ID #: _____ Agency: _____

(661) 861-3110

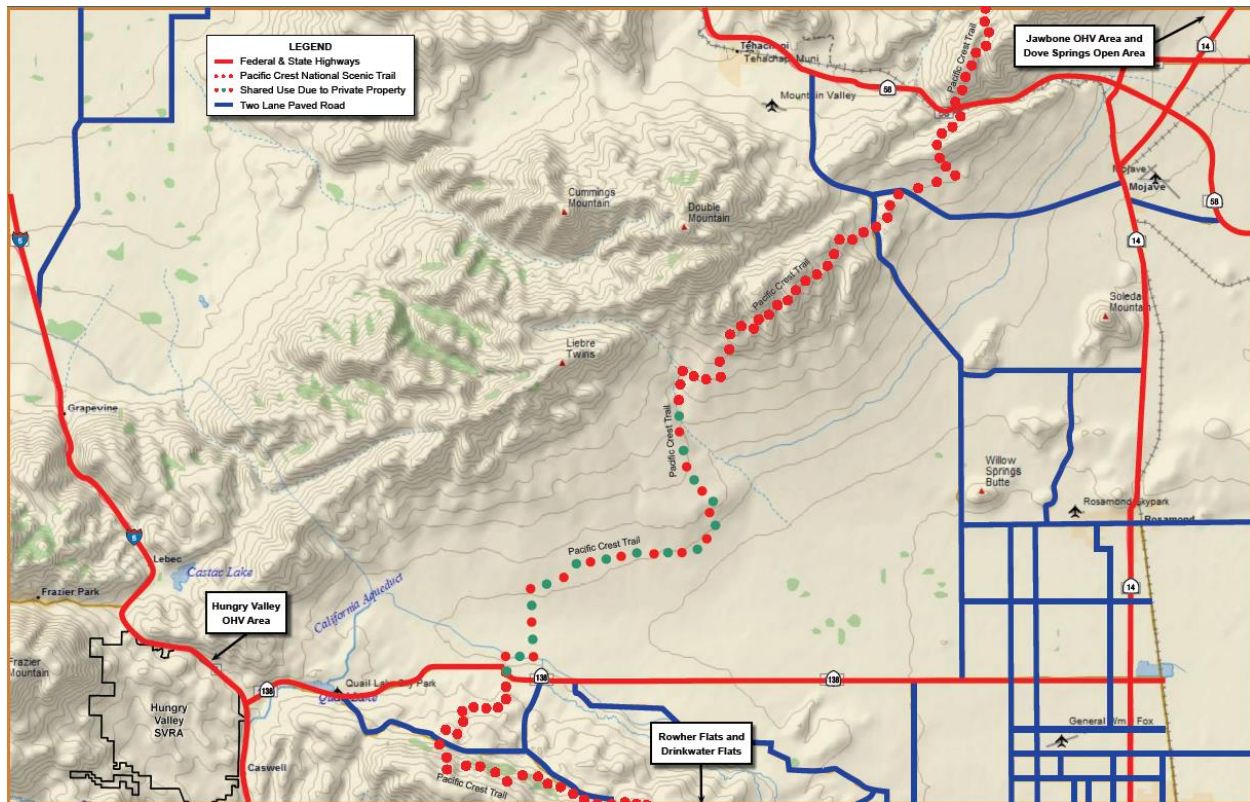


Updated Survey Card (Front)

1. Additional Comments:

Updated Survey Card (Back)

The map below illustrates the multi-use section of the Pacific Crest Trail in Kern County. This section begins at the intersection of the Pacific Crest Trail and Highway 138 in the Antelope Valley, and extends north to approximately Tylerhorse Canyon.



Map courtesy of the OHMVR Division of the California Department of Parks and Recreation

Survey Results

- **Question #1:**
Please rate your PCT hiking experience while in Kern County on a scale from 1 to 10.
(1 – poor, 10 – excellent)
 - 445 – Rated their experience between 7 and 10.
 - 26 – Rated their experience between 5 and 7.
 - 12 – No response provided.
 - 7 – Rated their experience under 5.

- Question #2:
Did you have any **direct contact** with persons operating ATVs or motorcycles **near the PCT** while you were hiking in Kern County? **Yes / No**
 - 411 – Had no direct contact with motorcycles or ATVs.
 - 77 – Had direct contact with motorcycles or ATVs.
 - 2 – No response provided.

- Question #2a:
Please rate that experience from 1 to 10. (1 – poor, 10 – excellent)
 - 337 – No response provided.
 - 146 – Rated that contact at a 5 or above.
 - 7 – Rated that contact below a 5.

- Question #3:
Did you have any **indirect contact** with persons operating ATVs or motorcycles (i.e. see or hear) **near the PCT** while you were in Kern County? **Yes / No**
 - 361 – Had no indirect contact with motorcycles or ATVs.
 - 127 – Had indirect contact.
 - 2 – No response provided.

- Question #4:
Did either of those experiences detract from your enjoyment of the PCT? **Yes / No**
 - 327 (89%) – Said it did not detract from their experience.
 - 40 (11%) – Said it detracted from their experience.
 - Two of these respondents said they neither saw nor heard any motorcycles or ATVs, indicating they may not have understood the question.
 - Two of these respondents commented in the notes section and expressed gratitude to motorcyclists for their kindness and courteousness.
 - One of these incidents occurred in Los Angeles County.
 - 123 – No response provided.

- 107 of these **had no contact** whatsoever with motorcycles or ATVs.
- Question #5:
Did you encounter anyone operating a motorcycle or ATV **on the PCT** in Kern County?
Yes / No
 - 434 (88%) – Did not see any motorcycles or ATVs on the PCT in Kern County.
 - 48 (10%) – Saw motorcycles or ATVs on the PCT in Kern County.
 - 40 of these were on dual-use sections of the PCT where it was **legal** for them to ride.
 - 8 (2%) – No response provided.
- Question #6:
Several roads are dual use sections of the PCT in Kern County. Was that where you encountered the vehicles asked about in question 5? Yes / No
 - 8 (2%) – Saw motorcycles or ATVs on the PCT which was **not in a dual use area**.
- Additional Comments
 - 81 – Unrelated to motorcycles or ATVs.
 - 9 – Mixed or ambiguous comments regarding motorcycles or ATVs.
 - 8 – Comments favorable to motorcycles or ATVs.
 - 5 – Comments unfavorable to motorcycles or ATVs.

Findings and Conclusion

Although some evidence exists to demonstrate motorized trespass does occur on the Pacific Crest Trail in Kern County, it is clearly confined to the two areas previously mentioned in this report. In both of these areas, the Pacific Crest Trail traverses a checkerboard of BLM land and private property. No evidence of motorized trespass was found in any other segment of the Pacific Crest Trail in Kern County.

It is clear that the vast majority of Pacific Crest Trail hikers and off-highway vehicle recreationists coexist harmoniously and peacefully. During the many in-person contacts with Pacific Crest Trail hikers, it was far more common for deputies to hear them express wonder and amazement at seeing motorcycles traversing a trail on a nearby hill than it was to hear expressions of dissatisfaction with having to share the environment with them. In many cases, the hikers expressed gratitude toward the off-highway

vehicle recreationists for their offers of food and water. The survey responses from the legitimate users of the Pacific Crest Trail, the hikers, also support this conclusion.

Only 1.6% of the survey respondents stated they saw a motorcycle or ATV on the Pacific Crest Trail in Kern County where none were allowed to be, and only an exceedingly small minority expressed displeasure with their contact with off-highway vehicles. This is sharply contrasted by the overwhelming number of positive responses to the question of how the hikers felt regarding their contact with off-highway vehicles.

The evidence is clear that motorized trespass on the Pacific Crest Trail in Kern County is negligible, particularly in comparison to that which has been alleged by prominent members of The Group. Nonetheless, ongoing patrols of the Pacific Crest Trail during key times, such as after a rain, are recommended as a means of ensuring the successes of past efforts by community stakeholders and law enforcement are not undone. On the ground patrols have proven to be the most effective method of addressing off-highway vehicle trespasses, but are of extremely limited benefit when done on foot. Joint agency patrols, using motorcycles to patrol the trail itself, are recommended as the most efficient and effective way to locate and apprehend violators, and also provide a deterrent to others. This, however, will require that the USFS provide a written exemption to law enforcement for that purpose.

